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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,	)	Case No. 2:13-cr-00368-JAD-VCF
	)	
Plaintiff,	)	<b><u>STIPULATION TO CONTINUE</u></b>
	)	<b><u>SENTENCING HEARING</u></b>
vs.	)	
	)	<b><u>(SECOND REQUEST)</u></b>
JOHN DAVID YODER,	)	
	)	
Defendant.	)	

IT IS HEREBY STIPULATED AND AGREED by and between, Nicholas A. Trutanich, United States Attorney, District of Nevada, Christopher Burton, Assistant United States Attorney, representing the United States of America, and John Dolan, Esq., representing Defendant John David Yoder, that the sentencing hearing in the above captioned case, which is currently scheduled for May 4, 2020, at 2:00 pm, be continued and reset to a date and time to be set by this Honorable Court but no sooner than ninety days.<sup>1</sup>

1. On March 16, 2020, the Chief Judge of the U.S. District Court for the District of Nevada issued Temporary General Order 2020-03, which found that due to the outbreak of the coronavirus disease 2019 ("COVID-2019") in the District of Nevada,

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<sup>1</sup> Defense counsel has represented they would be available at the Court's convenience the following days: August 3, 10, or 24.

1 the declaration by the Governor of the State of Nevada of a public health emergency  
2 due to the spread of COVID-19 in Nevada, and the declaration of local emergencies  
3 by local governments due to COVID-19, including Clark County, the Court has  
4 sustained “reduced ability to obtain an adequate spectrum of jurors,” and it noted the  
5 effects of public health recommendations, including “social distancing measures.”  
6 General Order 2020-03 accordingly continued all civil and criminal trials until April  
7 10, 2020, pending further order of the Court and found that “the ends of justice are  
8 best served by ordering the continuances, which outweighs the best interests of the  
9 public and any defendant’s right to a speedy trial under 18 U.S.C. § 3161(h)(7)(A).”

10 2. On March 19, 2020, the Chief Judge of the U.S. District Court for the District of  
11 Nevada issued Temporary General Order 2020-04, which noted that “the COVID-19  
12 pandemic has continued to spread,” resulting in the need for “more aggressive social-  
13 distancing measures.” The Court noted further that, “[o]n March 17, 2020, the  
14 Governor of the State of Nevada ordered the closure of many business establishments  
15 and strongly encouraged all citizens to stay home.” Accordingly, the Court ordered  
16 the temporary closure of the Clerk’s office, and implemented other changes, including  
17 “striving to eliminate in-person court appearances.” In the event any hearing must go  
18 forward, the Court will conduct the hearing via video or teleconference. The Court  
19 will vacate or amend GO 2020-04 no later than April 30, 2020.

20 3. On March 30, 2020, the Chief Judge of the U.S. District Court for the District of  
21 Nevada issued Temporary General Order 2020-04 (collectively with General Orders  
22 2020-03 and 2020-04, “the General Orders”), specifically finding, in part, that “felony  
23 sentencings under Rule 32 of the Federal Rules of Criminal Procedure cannot be  
24 conducted in person in this district without seriously jeopardizing public health and

1 safety.” The General Order therefore permitted individual judges to proceed with  
2 sentencing via video or teleconference if the defendant consents and the matter  
3 “cannot be further delayed without serious harm to the interests of justice[.]”

4 4. There does not exist a reason why the sentencing hearing in this case cannot be  
5 delayed without serious harm to the interests of justice.

6 5. Accordingly, based on the public health emergency brought about by the COVID-  
7 2019 pandemic, and the required social-distancing measures as recognized in the  
8 General Orders; the need for additional time to prepare the defense once the public  
9 health emergency is resolved; the parties agree to continue the currently scheduled  
10 sentencing hearing date from May 4, 2020, to a date and time to be set by this  
11 Honorable Court but no sooner than ninety days.

12 6. This continuance is not sought for purposes of delay, but to account for the necessary  
13 social-distancing in light of the COVID-2019 public health emergency and to allow  
14 the defense adequate time to prepare following the resolution of this public health  
15 emergency.

16 7. Denial of this request could result in a miscarriage of justice, and the ends of justice  
17 served by granting this request outweigh the best interest of the public and the  
18 defendant in proceeding to sentencing.

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1 8. The defendant is incarcerated and does not object to the continuance.

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3 DATED this 28<sup>th</sup> day of April, 2020.

4 NICHOLAS A. TRUTANICH  
5 United States Attorney

6 /s/  
CHRISTOPHER BURTON  
7 Assistant United States Attorney

/s/  
JOHN DOLAN, ESQ.  
Counsel for Defendant  
JOHN DAVID YODER

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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**

7 UNITED STATES OF AMERICA, ) Case No. 2:13-cr-00368-JAD-VCF  
8 )  
9 Plaintiff, ) **FINDINGS AND ORDER ON**  
10 ) **STIPULATION**  
11 vs. )  
12 )  
13 JOHN DAVID YODER, )  
14 )  
15 Defendant. )  
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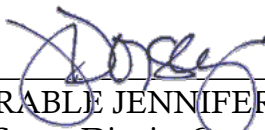
Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

1. To account for the necessary social-distancing in light of the COVID-2019 public health emergency and to allow the defense adequate time to prepare following the resolution of this public health emergency, the sentencing hearing in this case should be continued.
2. The parties agree to this continuance.
3. There does not exist a reason why the sentencing hearing cannot be delayed without serious harm to the interests of justice.
4. The defendant is not incarcerated and does not object to the continuance.
5. This continuance is not sought for purposes of delay.

6. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interest of the public and the defendant in proceeding to a sentencing hearing.

THEREFORE, IT IS HEREBY ORDERED that the sentencing hearing in the above-captioned matters currently scheduled for May 4, 2020, at 2:00 pm, respectfully, be vacated and continued to a date and time convenient to this court, that is August 24, 2020, at the hour of 3:00 p.m.

DATED this 30th day of April, 2020.

  
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HONORABLE JENNIFER A. DORSEY  
United States District Court Judge